

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                            |   |                  |
|----------------------------|---|------------------|
| KATY VENTURE LTD., ET AL., | ) |                  |
|                            | ) |                  |
| Plaintiffs,                | ) |                  |
|                            | ) | CIVIL ACTION NO. |
| VS.                        | ) |                  |
|                            | ) | 3:13-CV-0841-G   |
| CENTURY SURETY COMPANY,    | ) |                  |
|                            | ) |                  |
| Defendant.                 | ) |                  |

**MEMORANDUM OPINION AND ORDER**

This court is required to examine the basis for its subject matter jurisdiction, on its own motion if necessary. *Torres v. Southern Peru Copper Corporation*, 113 F.3d 540, 542 (5th Cir. 1997). Diversity of citizenship is alleged as the basis for subject matter jurisdiction in this case. Plaintiffs' Original Complaint ¶ 3.1 (docket entry 1). The plaintiff Katy Venture Ltd. is alleged to be "a Texas limited partnership with its principal place of business in Dallas, Texas." *Id.* ¶ 2.1. The plaintiff Katy Management L.L.C. is alleged to be "a Texas limited liability company with its principal place of business in Dallas, Texas." *Id.* ¶ 2.2. The defendant Century

Surety Company is alleged to be “an Ohio corporation with its principal place of business in Westerville, Ohio.” *Id.* ¶ 2.3.

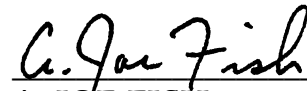
Diversity of citizenship jurisdiction requires that the citizenship of each plaintiff must be different from the citizenship of the defendant. *Strawbridge v. Curtiss*, 7 U.S. 267 (1806). Generally, the citizenship of artificial entities other than corporations is determined by the citizenship of their members. This rule applies to limited partnerships such as the plaintiff Katy Ventures Ltd., see *Carden v. Arkoma Associates*, 494 U.S. 185, 195-96 (1990), and to limited liability company companies such as the plaintiff Katy Management L.L.C., see *Harvey v. Grey Wolf Drilling Company*, 542 F.3d 1077, 1079-80 (5th Cir. 2008).

The citizenship of the defendant Century Surety Company is alleged to be Ohio, see 28 U.S.C. § 1332(c)(1) (corporation is deemed a citizen of state where it is incorporated and has its principal place of business), but the court cannot tell if there is complete diversity because the names and citizenship of the members of the plaintiff entities are not alleged.

Within ten days of this date, the plaintiffs shall electronically file and serve an amended complaint alleging the names and citizenship (1) of all the partners of the plaintiff Katy Venture Ltd. and (2) of all the members of the plaintiff Katy Management L.L.C. Failure to time file and serve such an amended complaint will result in the dismissal of this case without further notice.

**SO ORDERED.**

March 4, 2013.

A handwritten signature in black ink, reading "A. Joe Fish". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

A. JOE FISH

Senior United States District Judge